

REMARKS

The claims have been amended. Claims 10-12 are cancelled. Claims 19-25 are added. Support for the amendment is found throughout the specification and the original claims, especially page 11, line 24, to page 13, line 15, page 4, line 26, to page 5, line 5, and page 5, lines 21-28, of the specification. No new matter is believed to be introduced by the above amendment or the newly added claims.

Claims 1-9 and 13-25 are pending. Favorable reconsideration is respectfully requested in light of the following remarks.

At the outset, Applicants thank Examiner Katcheves for the helpful comments during the courteous discussion of the present application held July 21, 2003. Further, Applicants thank the Examiner for indicating that if Claim 8 is found allowable, then claims 13-15 would also be allowable.

In light of the above-mentioned discussion with Examiner Katcheves and the amendment above, it appears as if the objection to Claims 13-15 are obviated. Accordingly, withdrawal of this ground of objection is respectfully requested.

Further, the objection to Claim 16 is obviated by the above amendment. Accordingly, withdrawal of this ground of objection is respectfully requested.

It is further believed by the Applicants that they have addressed the Examiner's concern regarding the numbering notation in the claims. Accordingly, withdrawal of this ground of objection is respectfully requested.

The rejection to Claims 1-16 under 35 U.S.C §112, second paragraph, is believed to be obviated by the amendment above which removes the contested phrases and words that serve as the basis of this rejection. Withdrawal of this ground of rejection is respectfully requested.

The rejection to Claims 1-16 under 35 U.S.C §112, second paragraph, is believed to be obviated by the amendment above combined with the remarks below.

The amendment above serves to focus the claimed invention, in part, to an isolated polynucleotide encoding a polypeptide comprising the amino acid sequence of SEQ ID NO: 2, recombinant coryneform bacterium containing the same, as well as methods of using the same. Further, the newly added claims focus the claimed invention, in part, to an isolated polynucleotide consisting of a fragment of at least 15 consecutive nucleotides of SEQ NO: 1 or a full complement thereof. Still further, the newly added claims focus the claimed invention, in part, to an isolated polynucleotide having a polynucleotide sequence that encodes a polypeptide having an amino acid sequence that is at least 90%, 95%, 97%, and 99% identical to SEQ ID NO: 2 and transcription regulator LysR2 activity.

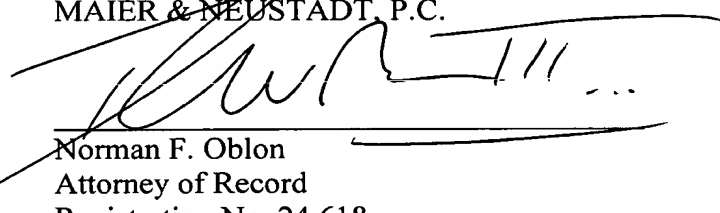
The specification clearly provides, in part, a novel polynucleotide and novel polypeptide having transcription regulator LysR2 activity. Further, the specification clearly provides ample written description of algorithms or sequence analysis programs at page 8, last paragraph, therein to direct one skilled in the art with the novel polynucleotide and novel polypeptide having transcription regulator LysR2 activity in hand to make and use an isolated polynucleotide having a polynucleotide sequence that encodes a polypeptide having an amino acid sequence that is at least 90%, 95%, 97%, and 99% identical to SEQ ID NO: 2 and transcription regulator LysR2 activity. Still further, Applicants provide at pages 19-27 (Examples) of the specification ample descriptions of how to make and use and even screen for such activity and utility of the claimed polynucleotide and/or polypeptide. Finally, Applicants take the position that surely one skilled in the art would know how to make and use an isolated polynucleotide consisting of a fragment of at least 15 consecutive nucleotides of SEQ NO: 1 or a full complement thereof.

In light of the above and the absence of a reference provided by the Office refuting the same, Applicants respectfully request withdrawal of this ground of rejection.

Applicants respectfully submit that the present application is now in condition for allowance. Early notice to this effect is respectfully requested. Should anything further be required to place this application in condition for allowance, the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

Thomas W. Barnes III, Ph.D.  
Registration No. 52,595